

Meeting Date: 12-09-08

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 4B-3



Date: December 3, 2008

To: City Manager for Council Action

From: Director of Public Works / City Engineer

Subject: Agreement with The George Sorich Company to retain and maintain a curb ramp and retaining walls encroaching into the public right-of-way at 3149 Stevens Creek Boulevard (APN 303-18-049)

EXECUTIVE SUMMARY:

The property owner is requesting approval to retain and maintain a curb ramp and retaining walls encroaching into the Cecil Avenue frontage of subject property. The property owner agreed to remove said private improvements at their sole cost and expense upon written demand from City. Past practice has been to set a Public Hearing for the requested encroachment. Since the improvements are visually consistent with public improvements, staff recommends that the practice of setting a Public Hearing be waived and that the request be heard at tonight's meeting.

Staff has prepared an Agreement to allow the maintenance and encroachment of a curb ramp and retaining walls in the public right-of-way, and it has been approved for form by the City Attorney and executed by the property owner. A copy of the Agreement has been placed in Council offices for review.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the encroachment will allow the owner to retain and maintain said improvements within the public right-of-way while relieving the City of associated liability.

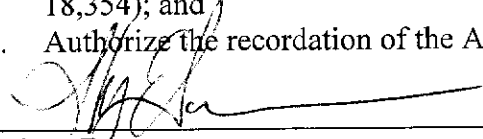
ECONOMIC/FISCAL IMPACT:

There is no additional cost to the City other than staff time and expense.

RECOMMENDATION:

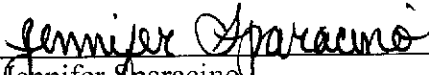
That the Council:

1. Approve and authorize the City Manager to execute the Agreement and Covenant Running with the Land with The George Sorich Company to retain and maintain a curb ramp and retaining walls encroaching into the public right-of-way at 3149 Stevens Creek Boulevard (APN 303-18-049; S.C. 18,354); and
2. Authorize the recordation of the Agreement.


Rajeev Batra

Director of Public Works / City Engineer

APPROVED:


Jennifer Sparacino
City Manager

CITY OF SANTA CLARA

AGENDA MATERIAL ROUTE SHEET

Council Date: 12-9-2008

SUBJECT: S.C. 18,354 – Agreement and Covenant Running With the Land
3149 Stevens Creek Boulevard

CERTIFICATION

The proposed Agreement regarding the encroachment of an existing curb ramp and retaining walls into the public right-of-way has been reviewed and is hereby certified.

PUBLICATION REQUIRED:

The attached Notice/Resolution/Ordinance is to be published _____ time(s) at least _____ days before the scheduled meeting/public hearing/bid opening/etc., which is scheduled for _____, 200__.

AUTHORITY SOURCE FOR PUBLICATION REQUIREMENT:

Federal Codes:

Title _____ U.S.C. § _____
(Titles run 1 through 50)

California Codes:

Code _____ § _____
(i.e., Government, Street and Highway, Public Resources)

Federal Regulations:

Title _____ C.F.R. § _____
(Titles run 1 through 50)

California Regulations:

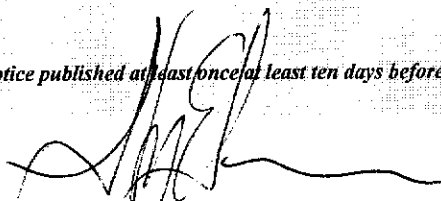
Title _____ California Code of Regulations § _____
(Titles run 1 through 28)

City

City Charter § _____ (i.e., 1310. Public Works Contracts. Notice published at least once at least ten days before bid opening)

City Code § _____

1. As to City Functions, by



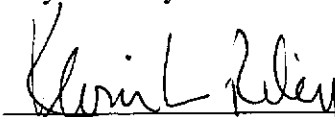
Department Head

2. As to Legality, by



City Attorney's Office / CAO Assignment No 08. 11622

3. As to Environmental
Impact Requirements, by



Director of Planning and Inspection

4. As to Substance, by



City Manager

Revision Date June 7, 2005